

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, October 30, 2007.

Hon. JOHN DINGELL,
Chairman, Committee on Energy and Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the jurisdictional interest of the Committee on Energy and Commerce over H.R. 2262, the Hardrock Mining and Reclamation Act. As you know, some sections of H.R. 2262 as reported by the Committee on Natural Resources relate to the application of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), and others establish requirements for the Environmental Protection Agency, both of which fall under the jurisdiction of the Committee on Energy and Commerce.

It is my understanding that you will not seek a sequential referral of H.R. 2262 based on the inclusion of these provisions in the bill. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these sections or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Energy and Commerce if a conference is held on this matter.

Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees. At your request, I will include this exchange of letters in the Congressional Record as part of consideration of the bill.

With warm regards, I am

Sincerely,

NICK RAHALL,
Chairman.

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Mr. PEARCE. Mr. Chairman, I yield 9 minutes to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong opposition to what could have been responsible bipartisan legislation. I have a great deal of respect for the chairman of the committee; he is a good friend of mine. But this is a bad bill.

As the gentleman on our side, the ranking member, Mr. PEARCE, has done an outstanding job, he mentioned in his statement to listen to the chairman of the committee and those who are promoting this bill that the mining industry has no regulations, no laws, they just run rampant, which is pure nonsense. We are not really addressing an 1872 mining law here. It is not about the royalty. They offered the chairman if he would strike title III, we might be able to work a bill, and he turned it down.

This is about driving our industry, our mining industry overseas and away from our shores. This bill will do it. Just as I have heard in the past about legislation from that side of the aisle when you were in power that we are not trying to stop the logging industry in Alaska, we are just trying to make sure that we get our fair share. We went from 15,000 jobs down to less than 300 jobs. That was from the previous chairman.

I also heard all the time about how when they were in power, how we were

going to be energy independent. And now we are paying \$93 a barrel for oil, \$93 a barrel, because you have not acted and we didn't do also. But we didn't try to stop the mining industry in this country as this bill will do.

This is not just about mining; this is about national security. Where do you think the metals come from to build our airplanes? Right now we are probably importing most of it. And I guarantee you, we will import all of it under this bill. We know, Mr. RAHALL, this doesn't affect West Virginia. It doesn't affect his coal mines or any of the east coast States. But it does affect public lands in the West where our minerals are derived from.

I say wake up, Mr. and Mrs. America and my colleagues. Wake up. China has gone into Chile now, and they control the copper that we must have for our hybrid cars.

Yes, all of you, as I watch my good friend there working his BlackBerry, where do you think the metals and minerals came from for this? As we vote electronically today, the metals and minerals make that electronic system work.

We are not talking about the royalty, here; although, I do think it is unconstitutional as the bill came out of committee because you rewrote the contract under the bill. It will be taken to court and that part of the bill will be struck. It will be struck. I tried to say that. But no, again this is not a bipartisan bill. This is a bill that was written primarily by the leadership of this House that in reality takes away the ability for the western States to produce the minerals that are needed. That is what this bill does.

It does affect my State probably more than any other bill that has come out other than the Alaskan National Lands Act that put 147 million acres of land off limits. What remaining BLM land we have where we are trying to develop a mining industry will be precluded, taking away the benefit of the mining industry in the State of Alaska as it does in the western States. But it affects my State more, probably.

Yes, we probably could have written a bill that would have recovered the dollars necessary to straighten out hardrock mining. But no, we have a bill that stops the ability of this Nation to be self-sufficient in minerals. Later on you will see a display about just how dependent we have become.

I am hoping that this bill will be killed in the Senate, as most bills will be killed from the House side because no one wants to work with the Republicans at all. That is why you have an 11 percent rating of favorability. No ability to work across the aisle and say what will work and what are we trying to achieve. What are we trying to achieve?

If you were looking for money from royalties, we could have talked about that; prospective, not retroactive, because that will go to court. But that didn't happen, and you left title III in,

which requires so much impossibility of achieving a mining claim that they will go abroad. They will go abroad, and that's not right for this country.

I have said all along, and I am going to be around here a lot longer than most people expect, and most of you probably don't like that, but I will be here just to say "I told you so" like I have done with the logging, what you did in my State and the logging industry and the west coast and on public lands. There is no timber industry. We are now importing our timber with no regulations. We have private timber in the eastern States, but not in the western States.

I listen to you. We just voted on a bill yesterday to help out people who are going to be displaced because of losing jobs overseas, and you voted for that. And that is what this bill does. It will drive the industry out of the United States of America and we will be dependent upon China and Russia and all of the other countries for the metals and minerals we must have in our Nation to make sure we are economically strong, and then we cannot become strong.

So as much as I love you, Mr. Chairman, this is a bad piece of legislation. I have been told don't worry about it, we will take care of it later on down the line. Well, I have been down that road before, too.

So I am asking my colleagues on my side of the aisle and anybody that is thinking on that side of the aisle to vote against this legislation if you believe in this Nation. If you believe in this Nation being strong, if you believe in jobs in our country and not abroad, then you will vote "no" for this bill.

If you don't believe that, then vote "yes" for the bill. And then go home and say, "I repealed the 1872 mining law. Look what I did for you, Mr. Backpacker." But think of our country and our Nation. Think of our future. Vote "no" on this bill.

Mr. RAHALL. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the subcommittee, Mr. COSTA from California.

Mr. COSTA. Thank you very much, Mr. Chairman, for all your hard work on this issue, not just this year, but for the last two decades. I also want to thank the ranking Republican member, the gentleman from Alaska (Mr. YOUNG), and the ranking member of our subcommittee, the gentleman from New Mexico (Mr. PEARCE), for all of their hard work over the last 10 months.

Mr. Chairman, this is an important piece of legislation and it provides a balanced approach to public lands. It recognizes that hardrock minerals to our lives are important, but they are also important as a public trust that belong to all Americans.

During this process over the last 10 months, we held numerous hearings at which over 33 witnesses testified. For example, in Pima County, Arizona, earlier this year, we had local government